

**United States Court of Appeals  
For the First Circuit**

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04-10142

No. 04-2655

JACK ROGERS and PAUL PINELLA,

Plaintiffs, Appellees,

v.

COMCAST CORPORATION and AT&T BROADBAND,

Defendants, Appellants.

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**JUDGMENT**

Entered: April 20, 2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The decision of the district court is reversed and the case is remanded for further proceedings not inconsistent with the opinion of this date.

By the Court:  
Richard Cushing Donovan, Clerk

By. MARGARET CARTER  
Margaret Carter, Chief Deputy Clerk

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: J. Colarusso Date: 4.20.06

[certified copies: Honorable Edward F. Harrington and Sarah A. Thornton, Clerk]

[cc: Mr. Gilbert, Mr. Zavez, Mr. Rosmarin, Mr. Heins, Mr. Barnett, Mr. Woodward, Mr Curran,  
Mr. Paul, Mr. Bianchi, Ms. Mullins, Mr. Berthiaume, Mr. Robertson and Mr. Brumfield]